

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 233**

**Introduced by Assembly Member Smyth**

*(Coauthors: Assembly Members Adams, Bill Berryhill, Duvall,  
Garrick, Jeffries, Nestande, Silva, and Solorio)*

*(Coauthors: Senators Maldonado and Strickland)*

February 5, 2009

---

An act to *amend Section 17076 of, and to add Section 17239 to, the Revenue and Taxation Code*, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as amended, Smyth. Personal income tax: deductions: pet adoption fees.

The Personal Income Tax Law allows various deductions in computing the income that is subject to the taxes imposed by that law.

This bill would allow for taxable years beginning on or after January 1, 2010, and before January 1, 2015, a deduction under that law for the qualified costs paid or incurred during the taxable year by a taxpayer for the adoption of pets from a qualified animal rescue organization, as defined.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 17076 of the Revenue and Taxation Code*  
2     *is amended to read:*

3     17076. (a) Section 67 of the Internal Revenue Code, relating  
4     to the 2-percent floor on miscellaneous itemized deductions, shall  
5     apply, except as otherwise provided.

6     (b) A deduction allowable under this part that exceeds three  
7     thousand dollars (\$3,000) and is described in Section 17049,  
8     relating to computation of tax where taxpayer restores a substantial  
9     amount held under claim of right, may not be treated as a  
10    miscellaneous itemized deduction under Section 67 of the Internal  
11    Revenue Code, as applicable for purposes of this part.

12    (c) *The deduction allowed by Section 17239, relating to pet*  
13    *adoption fees, may not be treated as a miscellaneous itemized*  
14    *deduction under Section 67(a) of the Internal Revenue Code.*

15    ~~SECTION 1.~~

16    *SEC. 2. Section 17239 is added to the Revenue and Taxation*  
17    *Code, to read:*

18    17239. (a) For each taxable year beginning on or after January  
19    1, 2010, and before January 1, 2015, there shall be allowed as a  
20    deduction an amount equal to the qualified costs paid or incurred  
21    by a taxpayer for the adoption of a pet from a qualified animal  
22    rescue organization.

23    (b) For the purposes of this section, the following definitions  
24    shall apply:

25    ~~(1) "Qualified animal rescue organization" means any city,~~  
26    ~~county, or city and county animal control agency or shelter or an~~  
27    ~~animal adoption organization that is exempt from taxation under~~  
28    ~~Section 501(c)(3) of the Internal Revenue Code.~~

29    (1) "Pet" means an animal adopted from a qualified animal  
30    rescue organization that is not used by the taxpayer in a trade or  
31    business or for the production of income.

32    (2) "Qualified animal rescue organization" means a public  
33    animal control agency or shelter, humane society shelter, or rescue  
34    group. A rescue group as used in this section is a not-for-profit  
35    entity, as defined in Section 501(c)(3) of the Internal Revenue  
36    Code, whose primary purpose is the placement of dogs, cats, or  
37    other animals that have been removed from a public animal control  
38    agency or shelter, society for the prevention of cruelty to animals

1 *shelter, or humane society, or that have been surrendered or*  
2 *relinquished to the entity by the previous owner.*

3 ~~(2)~~

4 (3) “Qualified costs” means ~~adoption fees~~ *amounts paid or*  
5 *incurred to a qualified animal rescue organization to adopt a pet,*  
6 *not to exceed one hundred dollars (\$100).*

7 (c) The deduction allowed under this section *for a taxable year*  
8 *shall not exceed* ~~three hundred dollars (\$300)~~ *one hundred dollars*  
9 *(\$100).*

10 ~~SEC. 2.~~

11 SEC. 3. This act provides for a tax levy within the meaning of  
12 Article IV of the Constitution and shall go into immediate effect.